IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

WP(C).No. 28582 of 2007(C)

PETITIONER:

A.VINOD KUMAR,
AGED 26 YEARS, S/O.V.P.ARUCHAMY,
143, VINAYAGAR KOVIL STREET, SRI.SIVANDHAM COLONY,
THATTALAD, COIMBATORE-12, TAMILNADU.

BY ADV. SRI.P.VINODKUMAR

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE ASSISTANT EXCISE COMMISSIONER,
ALAPPUZHA.

2. THE SUB INSPECTOR OF POLICE,
AMBALAPPUZHA.

BY GOVERNMENT PLEADER (SMT. ANU SIVARAMAN)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 28582 OF 2007 C

Dated this the 26th September, 2007

JUDGMENT

Case of the petitioner, in brief, is as follows:

Petitioner is the owner of a Toyota Qualis bearing Registration No.TN - 38/T 6777. The said vehicle was stolen from his custody on 23.4.2007. A Crime was registered on 24.4.2007. The vehicle was seized of by the second respondent on 10.6.2007 in Crime No.238/07 involving offences under the Abkari Act. The vehicle is now taken into custody by first respondent for confiscation under the Abkari Act. Petitioner has moved Ext.P5, as a petition under Section 4(2) of the Kerala Abkari (Disposal of Confiscated Vehicles) Rules. Petitioner seeks a direction to release the vehicle and pass orders on Ext.P5. Heard the learned Government Pleader also. The Writ Petition is disposed of directing the first respondent to consider and take a decision on Ext.P5 in accordance with law, within a period of three weeks from the date of receipt of a copy of this Judgment.

K. M. JOSEPH, JUDGE

kbk.